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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/707,155

11/24/2003

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EXAMINER

HAMMOND III, THOMAS M

ART UNIT

PAPER NUMBER

3691

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/707,155	<b>Applicant(s)</b> FIASCONI ET AL.	
	<b>Examiner</b> THOMAS M. HAMMOND III	<b>Art Unit</b> 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/04/2003</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. This action is in reply to the continuing application filed on 11/24/2003.
2. Claims 1-24 are currently pending and have been examined.

### ***Information Disclosure Statement***

3. The Information Disclosure Statement filed on 12/04/2003 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

*Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.*

5. Claims 18-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

6. As recited, claims 18-24 are directed toward computer software embodied on a computer program product. However, under the current guidelines of 35 USC 101, computer software must be tangibly embodied on a computer readable medium, and, when executed by a computer processor, perform the steps of the software. In their broadest reasonable interpretation and in light of the specification, claims 18-24, as recited, can be interpreted to be embodied on abstract mediums such as carrier waves and signals, and therefore not eligible for patent protection. Accordingly, claims 18-24 are not eligible for patent protection.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.*

8. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. With regard to claim 14, the Applicant recites the limitation, "wherein the exchange account data received in (a) does not identify clients of the firm". The Examiner interprets this negative limitation, in light of the specification, as being vague and indefinite, as it does not positively set forth the scope of the invention. For the purposes of examination, the Examiner will interpret this limitation providing security to the information being exchanged.

## ***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

11. Claims 1-6 and 9-15 are rejected under 35 U.S.C. 102(e) as being anticipated by *Rosen et al.*, US Patent Publication No. 2003/0050879.

### **As per claim 1**

#### ***Rosen et al. teaches:***

- (a) receiving exchange account data that lists positions held by clients of the firm at at least one exchange (see at least page 5, paragraph 36)
- (b) receiving firm account data that lists positions held by the clients of the firm at the exchange (see at least page 5, paragraph 36)
- (c) comparing the exchange account data to the firm account data (see at least page 5, paragraph 36)
- (d) displaying on a display device data included in the exchange account data that does not match data included in the firm account data (see at least pages 7-8, paragraphs 74-75 & 86)
- (e) receiving an input from a user for additional information relating to the data displayed in (d) (see at least page 13, paragraphs 141-144)
- (f) in response to the input in (e) displaying on the display device additional information relating to the data displayed in (d) (see at least page 13, paragraphs 141-144)

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**As per claim 2**

***Rosen et al. teaches the method of claim 1, as described above.***

***Rosen et al. further teaches:***

- (g) receiving at least one adjustment from the user (see at least page 13, paragraphs 141-144)

**As per claims 3-5**

***Rosen et al. teaches the method of claim 2, as described above.***

***Rosen et al. further teaches:***

- Wherein the at least one adjustment is to exchange account data (see at least page 8, paragraph 78)
- Wherein the at least one adjustment is to firm account data (see at least page 8, paragraph 78)
- Wherein (g) comprises receiving information identifying the user (see at least page 8, paragraphs 80-82)

**As per claim 6**

***Rosen et al. teaches the method of claim 5, as described above.***

***Rosen et al. further teaches:***

- Creating a report from reconciled exchange account data or firm account data (see at least page 5, paragraphs 36)

**As per claim 9**

***Rosen et al. teaches the method of claim 2, as described above.***

***Rosen et al. further teaches:***

- Repeating (c) after (g) (see at least page 5, paragraphs 38-39)

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**As per claims 10-14**

***Rosen et al. teaches the method of claim 2, as described above.***

***Rosen et al. further teaches:***

- Reformatting exchange account data into a standard format (see at least page 8, paragraph 77)
- Aggregating client account data into firm account data (see at least page 9, paragraph 101)
- Calculating an amount required to maintain in at least one margin account (see at least page 8, paragraph 78)
- Wherein (a) includes receiving trading position data from a brokerage house (see at least page 6, paragraph 56)
- Wherein the exchange account data received in (a) does not identify clients of the firm (see at least page 8, paragraphs 80-82)



## ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

13. Claims 7-8 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Rosen et al.*

### **As per claims 7-8**

***Rosen et al. teaches the method of claim 6, as described above.***

***Rosen et al. further teaches:***

- A relational database configured to store and track both user and customer information in relation to all information that has been processed (see at least page 8, paragraph 85)

***Rosen et al. does not teach:***

- Wherein the report identifies users who have made adjustments to at least one of exchange account data or firm account data
- Wherein the report comprises a segregated funds report

*However, the Examiner take OFFICIAL NOTICE that identifying users who make adjustments to reports is old and well known in the financial industry as a method of auditing. Furthermore, the embodiment of a segregated funds report is also old and well known. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to include these well known features in the teachings of Rosen et al. One would have been motivated to do so to meet the requirements of*

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*Rule 123 of the NYSE and ACT as well as to offer compatibility with existing systems (see at least page 5, paragraph 42; page 6, paragraph 56)*

**As per claim 15**

***Rosen et al. teaches the method of claim 1, as described above.***

***Rosen et al. further teaches:***

- A hypertext transfer protocol internet browser system compatible with several programs such as html, XML and JSP (see at least page 6, paragraph 55)

***Rosen et al. does not teach:***

- Wherein the input in (e) comprises the selection of a hyperlink

*However, the Examiner take OFFICIAL NOTICE that hyperlinks are old and well known in the computer arts as user-friendly means for navigating a web page. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to include this well known feature in the teachings of Rosen et al. One would have been motivated to do so in order to provide a user-friendly means for navigating information as is commonly done in web browser interfaces.*

**As per claim 16**

***Rosen et al. teaches the method of claim 6, as described above.***

***Rosen et al. does not teach:***

- Further including performing a currency conversion

*However, the Examiner take OFFICIAL NOTICE that performing currency conversion is old and well known in the art of finance, particularly when trading currency. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to include this well known feature in the teachings of Rosen et al. One would have been motivated to do so in order to provide a means for risk analysis of a firm's position in real time (see at least page 4, paragraphs 32-34).*

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**As per claim 17**

***Rosen et al. teaches the method of claim 1, as described above.***

***Rosen et al. does not teach:***

- Further including translating text

*However, the Examiner take OFFICIAL NOTICE that translating text is old and well known. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to include this well known feature in the teachings of Rosen et al. One would have been motivated to do so in order to provide real time risk management controls (see at least page 4, paragraph 29).*

**ADDITIONAL REJECTIONS**

Claims 18-24 are interpreted to encompass substantially the same scope as claims 1-17. Accordingly, claims 18-24 are rejected in substantially the same manner as claims 1-17, as described above.

## ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Hammond III whose telephone number is 571-270-1829. The examiner can normally be reached on Monday - Thursday, 7AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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